



1 GLENN L. BRIGGS (SB #174497)
Email: gbriggs@hbwillp.com
2 KYMBERLEIGH DAMRON-HSIAO (SB #240805)
Email: kdamronhsiao@hbwillp.com
3 TINA RAD (SB #258849)
Email: trad@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, California 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
8 TARGET CORPORATION
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 LYNN OSORIO,

14 Plaintiff,

15 vs.

16 TARGET CORPORATION, DOES
17 1 through 10,

18 Defendants.
19
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27
28

FILED
CLERK, U.S. DISTRICT COURT
FEB 26 2014
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

ED CV14-386 J6B(SHX)
CASE NO.

[San Bernardino County Superior Court
Case No: CIVDS1315746]

**DEFENDANT TARGET
CORPORATION'S NOTICE OF
REMOVAL OF ACTION TO UNITED
STATES DISTRICT COURT
PURSUANT TO 28 U.S.C. §§ 1332
AND 1441 (DIVERSITY)**

COPY

250452

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA:

3
4 PLEASE TAKE NOTICE THAT defendant Target Corporation
5 (hereinafter "Target") hereby removes to this Court the state court action described
6 below.

7
8 1. On December 31, 2013, plaintiff Lynn Osorio ("Plaintiff")
9 commenced an action against Target in the Superior Court of the State of California
10 in and for the County of San Bernardino, San Bernardino District, entitled Lynn
11 Osorio v. Target Corporation, et al., case number CIVDS1315746 (the "Action").
12 A true and correct copy of the Complaint ("Complaint") and Civil Case Cover
13 Sheet is attached hereto as Exhibit "A." A true and correct copy of the
14 corresponding Summons, filed December 31, 2013, is attached hereto as Exhibit
15 "B."

16
17 2. Plaintiff served Target with the Complaint and Summons on
18 January 29, 2014. Attached hereto as Exhibit "C" is a true and correct copy of the
19 Service of Process Transmittal by CT Corporation that Target received on January
20 29, 2014, confirming service was effectuated on January 29, 2014.

21
22 3. As of the date of this Notice of Removal, Plaintiff has not filed
23 the Proof of Service with the Superior Court of the State of California in and for the
24 County of San Bernardino.

25
26 4. On February 25, 2014, Target filed its Answer. A true and
27 correct copy of the Answer Target filed with the Superior Court of the State of
28

1 California in and for the County of San Bernardino is attached hereto as Exhibit
2 "D."

3
4 5. Because Plaintiff served Target with the Complaint on January
5 29, 2014, and this Notice of Removal was filed on February 26, 2014, this Notice
6 of Removal is filed well within 30 days from the date upon which Target was
7 served and is within the time for removal provided by law. 28 U.S.C. § 1446(b);
8 Fed. R. Civ. Proc. 6(a).

9
10 6. This is a civil action of which this Court has original jurisdiction
11 under 28 U.S.C. Section 1332, and is one which may be removed to this Court by
12 Target pursuant to the provisions of 28 U.S.C. Section 1441, in that it is an action in
13 which the aggregate amount in controversy exceeds the sum of \$75,000, exclusive
14 of interest and costs; Plaintiff and Target are citizens of different states; and Target
15 is not a citizen of California.

16
17 **DIVERSITY OF CITIZENSHIP**
18

19 7. There is complete diversity between Plaintiff and Target.
20

21 8. In her Complaint, Plaintiff alleges that at all times mentioned in
22 the Complaint, she "was a resident of Riverside County, California." (See Exhibit
23 A, ¶ 9.) Plaintiff currently resides in Banning, California and works in California.
24 Plaintiff was born in Los Angeles County, California. She attended middle school
25 and high school in Yucaipa, California. She attended college at the University of
26 Redlands in the City of Redlands, California. She holds a California driver's
27 license and is registered to vote in Riverside County, California. Other than a brief
28

1 period when she lived in Iowa during college, Plaintiff has not lived in any state
2 other than California.

3
4 9. Accordingly, because Plaintiff has demonstrated an intent to
5 remain in the State of California, including but not limited to the time she filed the
6 instant Action, Plaintiff is domiciled in the State of California. Kanter v. Warner-
7 Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001) (stating that a person's domicile is
8 the place that she resides with the intention to remain) (superseded by statute on
9 unrelated grounds).

10
11 10. For diversity purposes, "a corporation is a citizen of (1) the state
12 under whose laws it is organized or incorporated; and (2) the state of its 'principal
13 place of business.' 28 U.S.C. § 1332 (c)(1)." Davis v. HSBC Bank Nev., N.A.,
14 557 F.3d 1026, 1028 (9th Cir. 2009).

15
16 11. To determine a corporation's principal place of business,
17 Federal courts must utilize the "nerve center" test. Hertz Corp. v. Friend, 130 S. Ct.
18 1181, 1183 (2010). Under the "nerve center" test, a corporation's principal place of
19 business is "the place where a corporation's high level officers direct, control, and
20 coordinate the corporation's activities." Id. Per the U.S. Supreme Court, a
21 corporation's nerve center "should normally be the place where the corporation
22 maintains its headquarters – provided that the headquarters is the actual center of
23 direction, control, and coordination." Id. at 1184.

24
25 12. Target is headquartered and maintains its executive offices in
26 Minnesota. Target's executive, finance, accounting, marketing, information
27 systems, and legal functions are all centralized at its Minnesota headquarters. All
28 of the members of Target's upper management have their offices in Minnesota.

1 Finally, Minnesota is where all of Target's company-wide decisions and policies
2 are made. Accordingly, under the nerve center test, Target's principal place of
3 business is Minnesota. Hertz, 130 S. Ct. at 1183-84.

4
5 13. Defendant Target is incorporated under the laws of the state of
6 Minnesota. Thus, for the purposes of diversity, Target is a citizen of Minnesota.

7
8 14. Plaintiff has never lived in Minnesota, nor indicated any
9 intention to move to Minnesota. Therefore, Plaintiff is not domiciled in Minnesota
10 and is not a citizen of Minnesota. As such, Plaintiff and Target are not citizens of
11 the same state.

12
13 15. Target hereby requests that this matter be assigned to the
14 Eastern Division of the United States District Court for the Central District of
15 California because the state court in which the action was filed by Plaintiff is within
16 this judicial district. See 28 U.S.C. § 1446(a).

17
18 **AMOUNT IN CONTROVERSY**

19
20 16. In a telephone conversation on February 25, 2014, between
21 Kymberleigh Damron-Hsiao, counsel for Target, and Ritchie M. Lewis, counsel for
22 Plaintiff, Plaintiff demanded well in excess of \$75,000 to settle this action.
23 Evidence appearing to reflect a plaintiff's reasonable assessment of the value of his
24 or her claims, through correspondence or otherwise, can be considered in
25 determining the amount in controversy. See, e.g. Cohn v. Petsmart, Inc., 281 F.3d
26 837, 840 (9th Cir. 2002); Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1117 (9th Cir.
27 2004) (citing Cohn and finding that the defendant's burden—preponderance of the
28 evidence—is not an “insurmountable obstacle” to removal jurisdiction).

1 17. Although Target disputes Plaintiff's allegations, an amount in
2 controversy over \$75,000 is reasonable given that Plaintiff's Complaint alleges
3 claims for (i) gender discrimination; (ii) retaliation; and (iii) tortious discharge in
4 violation of public policy, and Plaintiff seeks recovery of punitive damages,
5 attorneys' fees, economic damages and non-economic (emotional distress)
6 damages. (See Exhibit A, ¶¶ 14-46.)
7

8 18. Plaintiff seeks punitive damages against Target. (See id. at ¶¶
9 24, 41, 46, and p. 9 at prayer for relief). In addition to compensatory damages,
10 punitive damages are used to determine whether the jurisdictional minimum has
11 been satisfied. See Gibson v. Chrysler Corp., 261 F.3d 927, 945 (9th Cir. 2001) ("It
12 is well established that punitive damages are part of the amount in controversy in a
13 civil action."). Given that juries tend to award substantial punitive damages in
14 connection with discrimination, retaliation, or wrongful termination verdicts, and
15 Plaintiff alleges each one of these, it is apparent from the Complaint that the
16 amount in controversy far exceeds the \$75,000 jurisdictional threshold. *See infra*
17 Paragraphs 21, 22.
18

19 19. Plaintiff further seeks attorneys' fees. (See Exhibit A, ¶ 25 and
20 p. 9 at prayer for relief.) Should Plaintiff prevail on her claim for discrimination in
21 violation of the California Fair Employment and Housing Act, she will be entitled
22 to recover attorneys' fees. See Cal. Gov't Code § 12965(b). When attorneys' fees
23 are recoverable by statute, they are also factored into the determination of the
24 amount in controversy. See Richmond v. Allstate Ins. Co., 897 F. Supp. 447, 450
25 (S.D. Cal. 1995) (attorneys' fees are included in the amount in controversy "if
26 recoverable by statute or contract"). Again, it is apparent from the Complaint that
27 the amount in controversy well exceeds the \$75,000 jurisdictional threshold.
28

20. On top of emotional distress damages, punitive damages, and attorneys' fees, which cumulatively easily exceed the \$75,000 threshold in employment cases like this one, Plaintiff seeks at least \$26,000 in lost wages *to date alone*, plus continuing lost wages up to the date of trial (back pay) as well as lost future wages (front pay). At the time of the termination of her employment, Plaintiff was a Group Leader—Inbound who earned a salary of \$58,000 annually (without consideration of bonus or benefits). Plaintiff alleges that her termination of employment with Target occurred on August 3, 2013, and that she “was recently hired by another entity.” (See Exhibit A, ¶ 23.) Plaintiff seeks lost wages for the time between her separation from Target and the beginning of her new employment of approximately \$20,000 (calculated based on a \$58,000 annual salary divided by 12 months and multiplied by approximately 4 months of unemployment). Plaintiff further alleges that “[w]hile plaintiff has a new job, she is losing approximately \$30,000 a year in salary.” (See Exhibit A, ¶ 45.) Thus, at a minimum, Plaintiff seeks approximately \$6,300 for this wage differential (calculated based on a loss of \$30,000 per year in salary divided by 52 weeks and multiplied by approximately 11 weeks of elapsed time since she found new employment), which together with the four months wherein Plaintiff was unemployed equates to at least \$26,300 in economic damages to date alone. This calculation is exclusive of any future wages and/or lost benefits or other general and compensatory damages that Plaintiff seeks. (See *id.* at ¶¶ 23, 45, and p. 9 at prayer for relief.)

21. Employment claims, such as the claims asserted by Plaintiff, are the type that routinely has resulted in jury verdicts in excess of \$75,000.00 (exclusive of attorneys' fees). To establish the amount in controversy, which can include both compensatory and punitive damages, a removing defendant “may introduce evidence of jury verdicts in cases involving analogous facts.” Simmons v. PCR Tech., 209 F. Supp. 2d 1029, 1033-34 (N.D. Cal. 2002) (finding it proper to

1 consider evidence from various jury verdict reporters to establish the amount in
 2 controversy; Schwarzer, Tashima & Wagstaffe, Cal. Practice Guide: Fed. Civ. Proc.
 3 Before Trial § 2:2409 (The Rutter Group 2013). The following jury verdicts are
 4 illustrative:

5
 6 A. Stallworth v. City of Los Angeles, Superior Court of Los
 7 Angeles, Case No. BC341480 (July 24, 2009) (Ralph W. Dau, Judge). The jury
 8 awarded in excess of \$75,000.00 to Stallworth for failure to promote based on
 9 gender and race discrimination. Stallworth sought recovery for past and future lost
 10 wages for the promotion he did not receive as well as emotional distress damages.
 11 See Request for Judicial Notice ¶ 1.

12
 13 B. Viveros vs. Donahoe, United States District Court for the
 14 Central District of California, Case No. 10-CV-08593(MMM) (June 1, 2012)
 15 (Margaret M. Morrow, Judge). The jury awarded in excess of \$75,000.00 to
 16 Viveros for emotional distress damages stemming from pregnancy discrimination
 17 and wrongful termination. Viveros sought economic and non-economic damages.
 18 See Request for Judicial Notice ¶ 2.

19
 20 C. Vanderberg v. Hollywood Park, Superior Court of Los
 21 Angeles, Case No. BC222811 (June 11, 2001) (Richard L. Fruin, Judge). The jury
 22 awarded in excess of \$75,000.00 to Vanderberg for race discrimination, retaliation,
 23 and wrongful termination in violation of public policy. Vanderberg alleged that his
 24 employer had failed to promote him due to race discrimination and sought
 25 economic and emotional distress damages. See Request for Judicial Notice ¶ 3.

26
 27 22. Although not identical in every respect to the case at bar, the
 28 foregoing cases contain material similarities, thereby rendering them sufficient for

1 the purposes of establishing the jurisdictional minimum of \$75,000.00. See
2 Simmons, 209 F. Supp. 2d at 1033 (stating that the “fact that the cited cases involve
3 distinguishable facts is not dispositive” and that the cited cases “amply demonstrate
4 the potential for large punitive [and emotional distress] damage awards”).

5
6 23. The foregoing verdicts are exclusive of attorneys’ fees. Thus,
7 including attorneys’ fee awards which, in FEHA cases, prevailing parties typically
8 seek well into six digits, the amount in controversy far exceeds the \$75,000
9 threshold.

10
11 24. Accordingly, and for the aforementioned reasons, the amount in
12 controversy exceeds the \$75,000 jurisdictional threshold.

13
14 **PROCESS, PLEADINGS AND ORDERS**

15
16 25. Attached hereto as Exhibit “A” is a copy of the Complaint and
17 Civil Case Cover Sheet, filed with the Superior Court of the State of California in
18 and for the County of San Bernardino on December 31, 2013.

19
20 26. Attached hereto as Exhibit “B” is a copy of the Summons, filed
21 with the Superior Court of the State of California in and for the County of San
22 Bernardino on December 31, 2013.

23
24 27. Attached hereto as Exhibit “C” is a copy of the Service of
25 Process Transmittal by CT Corporation confirming that service of the Complaint
26 and Summons on Target was effectuated on January 29, 2014, less than 30 days
27 from this Notice of Removal.

1 28. Attached hereto as Exhibit "D" is a conformed copy of Target's
2 Answer, filed with the Superior Court of the State of California in and for the
3 County of San Bernardino on February 25, 2014.

4
5 29. Attached hereto as Exhibit "E" is a copy of the Certificate of
6 Assignment and attached Notice of Trial Setting Conference and Notice of Case
7 Assignment, filed with the Superior Court of the State of California in and for the
8 County of San Bernardino on December 31, 2013.

9
10 30. Target is informed and believes that Exhibits "A," "B," "C,"
11 "D" and "E" constitute all the process, pleadings and/or orders filed and received
12 by Target in this action.

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26 //

EXHIBIT "A"

EXHIBIT "A"

Law Office of Ritchie M. Lewis SBN #231100
 8608 Utica Ave., Su 212
 Rancho Cucamonga, Calif. 91730
 Ph: 909 948-9890
 Fax: 909 948-9820

Attorney for Lynn Osorio

411 B D
 SUPERIOR COURT
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

DEC 31 2013

BY Jennifer Medina
 JENNIFER MEDINA, CLERK

TRIAL SETTING CONFERENCE
 Hearing Date 6/27/14
 at 8:30 AM Dept 535
 SUPERIOR COURT OF STATE OF CALIFORNIA
 COUNTY OF SAN BERNARDINO

Lynn Osorio,

Plaintiff

Vs.

Target Corporation,
 DOES 1 through 10

Defendants

Case No. : CIVDS1315746

COMPLAINT FOR DAMAGES

1. Gender Discrimination in Violation of FEHA (Calif. Gov. Code 12940 et seq.)
2. Retaliation in Violation of FEHA
3. Tortious Discharge in Violation of Public Policy

Plaintiff Lynn Osorio, hereinafter referred to as Plaintiff, for causes of action against Defendant Target Corporation, a Minnesota corporation as Defendant and Does 1 through 10, alleges in her complaint as follows;

1. At all times mentioned in this complaint, Defendant, Target Corporation, hereinafter referred to as Target, was and is now a Minnesota corporation. Defendant Target conducted business in the County of San Bernardino, State of California and was plaintiff's employer until August 3, 2013 when she was terminated by Target. Plaintiff was terminated from the Target facility located at 3105 N. Mango Ave., Rialto, Calif. 92337.

2. Plaintiff does not know the true names of defendants sued Does 1 through 10. The plaintiff will amend this complaint to allege their true names and capacities when ascertained. The plaintiff is informed and believes and thereon alleges that each of the fictitiously named

1 defendants are responsible in some manner for the occurrences herein alleged, and that the
2 plaintiff's damages as herein alleged were proximately caused by their conduct.

3 3. The allegations of this complaint stated on information and belief are likely to have
4 evidentiary support after a reasonable opportunity for further investigation or discovery.

5 4. Defendant Target Corporation was vicariously liable for all employees, agents and or
6 servants performing services on behalf of them.

7 5. At all times herein mentioned, Target employee, John Knutson was a management
8 level employee for Defendant and is one of the individuals whom Ms. Osorio complained to
9 about the perceived inequality in her not being assigned the day shift. In response to the
10 Plaintiff's complaints of inequality, Mr. Knutson told her to embrace her assigned shift for the
11 next 18 months or look for employment elsewhere.

12 6. Defendants and each individual employee referenced in this lawsuit, were the agents,
13 servants, employees and joint venturers of each other and, at all times herein mentioned, were
14 acting in a managerial capacity within the scope of their authority. Plaintiff is informed and
15 believes and thereon alleges that each of defendant's actions and conduct, whether or not outside
16 the scope of their authority, were known to, authorized and ratified by Defendants and were with
17 the permission and consent of the Defendants.

18 7. Plaintiff is informed and believes, and based thereon alleges that at all times herein
19 mentioned, defendants, and each of them, when acting as a principal, were negligent in the
20 selection and hiring of each and every employee, agent and or servant and every other defendant
21 as its agents, servant or employee.

22 8. Plaintiff is informed and believes and thereon alleges that each and every one of the
23 wrongful acts of the employees, agents, and servants and or Doe defendants were performed
24 under the instructions and approval, express or implied of Target Corporation

25 9. At all times mentioned in this complaint, Plaintiff Lynn Osorio was a resident of
26 Riverside County, California and was hired by defendant as an Inbound Group Leader on or
27 about April 21, 2013. At all relevant times Defendant employed plaintiff at their California office
28 located at 3105 N. Mango Ave., Rialto, California.

10. Plaintiff is a female whose employment was terminated by defendant three hours after she complained in writing about gender issues at the company. Plaintiff was a member in the protected class of employees based on her sex and complaints of gender discrimination.

11. At all times mentioned in this complaint, Target Corporation regularly employed five or more persons, bringing defendant employer within the provisions of California Government Code section 12900 et seq. prohibiting employers or their agents from discriminating against employees on the basis sex and retaliating against employees who complain of sex discrimination.

12. Plaintiff exhausted her administrative remedies by timely filing a complaint against Target with the California Department of Fair Employment and received a Right to Sue letter against Target (Exhibit A). This Right to Sue letter was mailed to Target with a Return Receipt Requested and signed for by a Target agent on October 9, 2013.

13. Plaintiff is informed and believes and thereon alleges that each of the Defendants knowingly and willfully conspired and agreed to do the acts herein alleged. Defendants did these acts pursuant to and in furtherance of their conspiracy. Defendants furthered their conspiracy by cooperation, lending aid, encouragement, ratification and adopting the acts of each other.

FIRST CAUSE OF ACTION

DISCRIMINATION IN VIOLATION OF FEHA

(GOVT CODE SECTION 12940, 12945 et al)

(By Plaintiff Against Defendant Target Corporation)

14. The allegations of all paragraphs in this Complaint are alleged and incorporated herein by reference.

15. The laws of the State of California, as declared by its constitution and statutes, prohibit, among other things, employment discrimination because of sex.

16. When plaintiff was offered the job with defendant on March 26, 2013, she was told by defendant employee, Ashley Caldwell Morris, a female, that she would be working the day shift, Tuesday through Friday. Instead of the promised work shift, plaintiff was told by her male

1 supervisor, Inbound Senior Group Leader, John Knutson, that she would instead be working the
2 weekend graveyard shift. Plaintiff learned of her shift change on or about April 19, 2013.

3 17. At or around the end of May 2013 defendant hired an external male applicant for the
4 Inbound Group Leader position, the same position plaintiff was hired for in April 2013. This
5 external male candidate with less experience than plaintiff, was given the same day shift the
6 plaintiff was promised. Plaintiff addressed her concerns with Target Human Resource Manager
7 Jennifer Munro on June 1, 2013, June 24, 2013, July 8, 2013 and July 14, 2013. Plaintiff was told
8 by Ms. Munro, without justification or an explanation, the company had no intention of
9 assigning her to the day shift given to the subsequently hired male employee.

10 18. On June 3, 2013, June 30, 2013 and July 8, 2013 plaintiff spoke to Supervisor John
11 Knutson about not being assigned the day shift. He told plaintiff to embrace her present shift or
12 seek employment elsewhere.

13 19. As a direct result of plaintiff complaining about the subsequently hired male
14 employee with less experience getting the subject day shift and plaintiff being told accept it or
15 look for work elsewhere, Ms. Jennifer Munro informed plaintiff on July 14, 2013 that plaintiff's
16 90 day probation period was being extended.

17 20. From the first day of plaintiff's employment with defendant until she was terminated
18 from employment by defendant, she was denied the opportunity to be assigned the day shift.

19 21. Plaintiff alleges that at all relevant times herein, she was a good employee who
20 performed her work duties in a conscientious and professional manner. Accordingly, it is hereby
21 alleged that defendants had no good cause or justification to terminate plaintiff's employment
22 and that her termination was motivated by and was the result of unlawful discrimination by
23 defendants against plaintiff and because she complained numerous times about gender
24 discrimination.

25 22. After Plaintiff's termination of employment, she filed a complaint against Target
26 Corporation with the Department of Fair Employment and Housing and was issued a Right To
27 Sue letter on September 20, 2013. A copy of this letter is attached as Exhibit A.
28

23. As a direct, foreseeable and proximate result of defendant's wrongful acts, plaintiff has suffered and continues to suffer, losses of earnings and employment benefits, and has suffered humiliation, embarrassment, mental and emotional distress and discomfort, all to her damage in an amount according to proof. Plaintiff was recently hired by another entity but is earning significantly less money.

24. Defendant's acts as herein before described were carried out by officers, directors and or managing agents of defendant, and were committed fraudulently, maliciously or oppressively with the intent of injuring plaintiff, and or the acts were done with a willful and conscious disregard of plaintiff's right to work in an environment free from discrimination. Because these acts were carried out by officers, directors and or managing agents of defendant in a despicable, deliberate and intentional manner, plaintiffs are entitled to recover punitive damages in a sum sufficient to punish and deter such future conduct.

25. Pursuant to California Government Code 12965(b), plaintiff request an award of attorney fees against defendants.

SECOND CAUSE OF ACTION

Retaliation

(Against all Defendants)

26. The allegations of all paragraphs in this complaint are alleged and incorporated herein in this second cause of action.

27. Government Code Section 12940(h) makes it unlawful for "any person" to retaliate against an employee who has opposed a discriminatory practice, or filed a complaint of discrimination or harassment.

28. Plaintiff complained on at least six different occasions 6/1/2013, 6/3/2013, 6/24/13, 6/30/13, 7/8/2013, 7/14/2013, to management level employees that she was being discriminated against based on her gender because a subsequently hired male employee was given the day shift position which initially was assigned and or promised to plaintiff.

29. Target began a pattern of unjustified retaliatory conduct in an effort to force plaintiff to quit when they accused her around the 4th of July 2013 that she discriminated against Hispanic

1 employees because she allegedly refused to encourage Hispanic employees to dress in red, white
2 and blue on the holiday, because according to defendant, they were not native to the United
3 States. When plaintiff denied the accusation in its entirety, Target never presented plaintiff with
4 supporting evidence that any employee complained about plaintiff harassing them or treating
5 them unfairly.

6 30. In or about July plaintiff was also accused by Target of discriminating against
7 employees based on their sexual orientation but again was never afforded any factual support.

8 31. Between July 1, 2013 and July 8, 2013, plaintiff was asked by Target to quit her
9 employment three times. On July 1, 2013 defendant's Production Controller, Ashleigh Espeleta
10 told plaintiff it would be easier on plaintiff and Target if she would just quit now. On July 8,
11 2013 Jennifer Munro told plaintiff Target did not seem to be the right fit for her and Target's
12 time and money would be better spent if plaintiff's position was filled by someone else. On July
13 8, 2013 John Knutson suggested to plaintiff that she give her two week notice to quit her
14 employment

15 32. When plaintiff would not quit, on July 14, 2013 she was told by defendant her 90 day
16 probationary period which would have expired on or about July 21, 2013 was being extended
17 another 30 days despite her personnel file being void of any disciplinary issues.

18 33. Consistent with the male supremacy that permeated the Target workplace, plaintiff
19 heard Manager Dominic Fattore tell another female employee in a July 2013 meeting, "It is a
20 man's world."

21 34. On Saturday, August 3, 2013 at approximately 2pm, plaintiff sent an email from her
22 home, dated July 30, 2013 to Target (Exhibit B). The email addressed her concerns regarding
23 discrimination and retaliation. When plaintiff appeared for her scheduled shift at approximately
24 5pm on August 3, 2013 she was immediately terminated from her employment. The pre-textual
25 reason stated by Target in plaintiff's personnel file as to why plaintiff was terminated is, "Lynn
26 has not been meeting expectations in Relating Well to Others, Resilient & Adaptable, and
27 Communicates Effectively during probationary period with Target." The real reason plaintiff was
28

1 terminated was she orally and most recently in writing, on day of termination, complained about
2 being discriminated and retaliated against.

3 35. Defendants conspired for approximately one month to force plaintiff to quit and when
4 that effort failed, they manufactured and fabricated a theory to justify in their minds terminating
5 plaintiff from her employment.

6 36. There is a causal link between Plaintiff's protected activity and the adverse
7 employment action in that the Defendant's retaliation intensified when Defendants became
8 aware of plaintiff's written complaints outlined in the email plaintiff sent three hours before she
9 was terminated on a Saturday.

10 37. Defendant's conduct as alleged in this Complaint constitutes an unlawful employment
11 practice in violation of Government Code 12940 et seq.

12 38. Defendants through its agents and supervisors, have engaged in an egregious pattern
13 and practice of unlawful employment practice in violation of Government Code section 12940 et
14 seq.

15 39. Defendants violated Government Code section 12940 et seq by failing to adequately
16 supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of
17 Defendant as described herein. Defendants failed to comply with their statutory duty to take all
18 reasonable and necessary steps to eliminate retaliation from the workplace and to prevent it from
19 occurring in the future. Not only did Target fail to prevent retaliation, they attempted in July
20 2013 to manufacture evidence by making up allegations of race and sexual orientation
21 discrimination trying to force plaintiff to quit because she was complaining orally about
22 discrimination. When she complained in writing, they fired her three hours later.

23 40. Further, other similarly situated employees as Plaintiff, who did not engage in
24 protected activity by opposing discrimination and participating in an action under FEHA was not
25 treated in the manner in which Plaintiff was treated.

26 41. Plaintiff is informed and believes, and based thereon alleges that the outrageous
27 conduct of Defendants described herein was done with fraud, oppression, and malice with
28 conscious disregard for her rights and with the intent, design and purpose of injuring her.

1 Plaintiff is further informed and believes that Defendants, through its officers, managing agents,
2 and its supervisors, authorized, condoned and or ratified the unlawful conduct. By reason
3 thereof, Plaintiff is entitled to punitive damages against all individual Defendants and each of
4 them, according to proof.

6 **THIRD CAUSE OF ACTION**

7 (Tortious Discharge in Violation of Public Policy)

8 42. The allegations of all paragraphs in this complaint are alleged and incorporated in this
9 third cause of action.

10 43. As set forth in the foregoing, on or about August 3, 2013 plaintiff was terminated
11 from her employment with defendant, Target because she complained at least six times orally to
12 management about a subsequently hired male employee given the preferred day shift. When
13 efforts by defendant Target to force her to quit were unsuccessful and plaintiff documented her
14 gender discrimination complaints in an email and emailed it to defendant three hours before she
15 was terminated on a Saturday, defendant retaliated against her for asserting her protective rights
16 under the Fair Employment Housing Act.

17 44. Accordingly, plaintiff alleges that her employment termination was in contravention
18 of the substantial public policy embodied in code, statutes and regulations such as Calif.
19 Government Code section 12945 (a) et. Seq., which prohibit an employer from discriminating or
20 retaliating against an employee on the basis of gender and plaintiff's complaints about
21 discrimination

22 45. As a direct, foreseeable and proximate result of defendants' wrongful acts, plaintiff
23 has suffered and continues to suffer, substantial losses of earnings and employment benefits, and
24 has suffered humiliation, embarrassment, mental and emotional distress and discomfort, all to
25 her damage in an amount according to proof. While plaintiff has a new job, she is losing
26 approximately \$30,000 a year in salary.

27 46. Defendant's acts as herein alleged were carried out by officers, directors and or
28 managing agents of defendant, and were committed fraudulently, maliciously or oppressively

1 with the intent of injuring plaintiffs, and or with a willful and conscious disregard of plaintiff's
2 right to work in an environment free from discrimination. Because these acts were carried out by
3 officers, directors and or managing agents of defendant in a despicable, deliberate and intentional
4 manner, plaintiff is entitled to recover punitive damages in a sum sufficient to punish and deter
5 such future conduct.
6
7

8 WHEREFORE, Plaintiffs pray for judgment against all Defendants according to proof as
9 follows:

- 10 1. For general damages;
11 2. Special damages;
12 3. Interest on Compensatory damages at the legal rate from the date of injury or pursuant
13 to CCP section 3291;
14 4. For other compensatory damages for emotional distress and other economic losses;
15 5. Attorney fees;
16 6. Costs and expenses of suit incurred herein;
17 7. For other just and proper relief;
18
19

20 Dated: December 31, 2013

LAW OFFICE OF RITCHIE M. LEWIS

21
22 By: 

23 Ritchie M. Lewis, Attorney for Plaintiff
24 8608 Utica Ave., Su 212
25 Rancho Cucamonga, Calif. 91730
26
27
28



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR PHYLLIS W. CHENG

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320
www.dfeh.ca.gov | email: contactcenter@dfeh.ca.gov

Sep 20, 2013

Lynn Osorio
9987 E. Mias Canyon Rd.
Banning, California 92220

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 166662-70044-R
Right to Sue: Osorio / Target, John Knutson

Dear Lynn Osorio:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Sep 20, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: Target Knutson

EXHIBIT

A

7/30/2013

Target – Corporate Human Resources

To whom it may concern:

I am a newer employee that was hired on April 21, 2013 and would like to call your attention to a number of different issues that I have endured in my short time with Target. The following lists grievances and instances of discrimination that have failed to be addressed or rectified by the senior team, human resources manager, or the general manager at T3806. My position with Target is an Inbound Group Leader.

When offered the group leader position with T3806 I was told by my recruiter, Ashley Caldwell-Morris that I would be joining the DC as an inbound group leader on the B1 key working Tuesday through Friday days. I was informed by Inbound Senior Group Leader John Knutson that I would instead be working weekend graveyard shifts on A2. My originally assigned B1 shift was then back filled at the end of May with an outside male candidate with less experience than I. I addressed my concerns with HRM Jenn Munro on 6/1/2013, 6/24/2013, 7/8/2013, and 7/14/2013 and was told that T3806 had no intention of assigning me to day shifts. In these meetings I asked to be placed in any department on day shifts and was denied even though there were openings on B1 inbound and warehousing as well as A1 MLP.

I spoke to SGL John Knutson on 6/3/2013, 6/30/2013, and 7/8/2013 regarding my assignment to night shifts and my personal and family need to be on a day shift schedule. He told me to "embrace inbound A2 for at least the next eighteen months" and then we could discuss movement based on business needs. I was also informed by him that if I could not embrace weekend graveyard shifts he suggested I look for employment elsewhere. Absolutely no regard was given to the commitment made to me by Target about my assigned shift upon recruit. I chose to come to target and turned down another job opportunity to join B1 inbound. While I understand the need to be versatile and cover shifts as necessary, I would not have accepted the offer of employment and would have chosen to go elsewhere had they been honest and forthcoming regarding my schedule due to family obligations.

In a July 14, 2013 meeting with Jenn Munro I was verbally informed that Target was not going to uphold its ninety day probationary period originally expiring July 21, 2013 and was instead going to extend my probation another thirty days until August 21, 2013. I received only a verbal message from Jenn Munro and never anything contractually in writing despite having requested written documentation at this meeting.

EXHIBIT B

On July 20, 2013 I was called to an impromptu meeting by warehousing SGL Greg Bowman. Greg accused me of discriminating against homosexual members of our Target community but could not and did not provide any examples of supposed conduct on my behalf. The second accusation made on this meeting was discrimination against the Hispanic population at Target in regards to celebrating the July 4th holiday by asking Hispanic team members to dress in red, white, and blue. Greg said it had come to his attention that I would not encourage team members to dress in red, white, and blue because many of them are not native to the United States. I informed Greg that this accusation was baseless and unsubstantiated. July 4th did not fall on one of my regularly scheduled shifts and as a result was not celebrated at work by my team. Secondly, I am a member of the minority Hispanic population I was wrongfully accused of discriminating against!

T3806 lacks gender diversity in the workplace. Beginning with shift discrimination based on gender to currently being the only female group leader on A2, there is a blatant lack of gender equality in the workplace. Of eight total inbound group leaders only two are female. Specific to the A2 key, of eight executives on shift I am the only female. This has created a working environment where I am uncomfortable, feel unsafe, and have no support from my all male peers. I am repeatedly defending myself from unwelcomed comments and sexual advances from team members. When speaking with another executive about my concerns I was informed that this how operations are run in a warehouse. If I was uncomfortable in a man's world I should look for employment elsewhere. This obvious gender inequality presents itself in our regular update meetings. The most recent update meeting on 7/28/2013 had fifteen executives present of which only three were female. On the same day, our weekly communication status had nine executives in attendance of which I was the only female. This gender inequality is reinforced by repeated use of male terms such as "guys" and "his" in radio communication, verbal communication from the senior team, and written in various emails from the A2 production controller instead of gender neutral phrasing such as "team". Being on graveyard weekend shifts has only heightened this unsafe environment for me, as I am the only woman in this position and have no support, only opposition.

While I understand I am only one person with complaints, this warehouse has many issues brewing which is clear by the executive turnover rate. The turnover rate in T3806 is exceedingly high. Since joining the building group leaders Daniel Ryan, Pat Goodwin, Hermalinda Lopez, Nelson Htoy, Erin Middleton, Kimberly Bush, Erl McConley, Kevin Fellon, and Julia Reyes have all left T3806. That is nine group leaders in a matter of 90 days. Additionally Senior Group Leaders Laura Mathe and Jen Burghdorf have left the building. The high turnover rate has created a lack of consistent leadership and a lack of resources for new executives to turn to for training and guidance.

Lastly, on three separate occasions I have been asked to look for employment elsewhere. The first instance occurred with my assigned mentor and production controller Ashleigh Espelata on 7/1/2013

when she informed me that it would be easier on Target and myself if I just quit now. The second instance occurred by Jenn Munro on 7/8/2013 when she informed me that Target didn't seem to be the right fit for me and that T3806's time and money could be better spent if my position was filled by someone else. The third instance was by John Knutson on 7/8/2013 when he suggested that I give my two weeks' notice and assured me that I would be compensated for two weeks upon leaving. He said it would be easier if I parted ways with the company and he could more efficiently use his resources. This seems to be the way at this location with management wanting to use their resources more efficiently by replacing them, rather than actually working with the resources they currently have in place and trying to foster a safe, functional and productive environment. Hence, the excessive turnover rate of good employees.

From day one I have seemed to have gender bias, discrimination and have felt unsafe in my work environment. Every time I have tried to have open, candid conversations with HR or management it has not been taken seriously, turned around or just disregarded. I was out twice, once due to my grandfather passing away (bereavement) which comments were made about and another as I was very ill. I have a doctor's note that was never requested from anyone; instead I was told managers are not allowed to call in sick.

As you can see I have been very frustrated since beginning my position with Target. I was so excited to work for this company and have been disappointed over and over. There are some glaring issues at T3806. Many have already just left and I for one am tired of the treatment I have received. I would appreciate someone at corporate acknowledging this formal complaint and I am open to discussion.

Thank you,

Lynn C. Osorio

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ritchie M. Lewis SBN 231100 8608 Ufca Ave., Ste 212 Rancho Cucamonga, Calif. 91730 TELEPHONE NO.: 909 948-9890 FAX NO.: 909 948-9820 ATTORNEY FOR (Name): Lynn Osorio		FOR COURT USE ONLY SUPERIOR COURT COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT DEC 31 2013 BY: <i>[Signature]</i>			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 303 W. Third St. MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, Calif. 92415-0205 BRANCH NAME: San Bernardino District Civil Division		CASE NUMBER: <div style="font-size: 1.2em; font-weight: bold;">CIVDS1315746</div>			
CASE NAME: Lynn Osorio v Target Corporation, DOES 1 through 10					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 33%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 33%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>			CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			
JUDGE: DEPT:					

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Three, Discrimination, Retaliation and Violation of Public Policy
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 31, 2013

Ritchie M. Lewis

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)	Construction Defect (10)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Asbestos Property Damage	Collection Case–Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Insurance Coverage (<i>not provisionally complex</i>) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (<i>non-domestic relations</i>)
Medical Malpractice–Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (<i>not unpaid taxes</i>)
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (<i>not specified above</i>) (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only (<i>non-harassment</i>)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Other Civil Complaint (<i>non-tort/non-complex</i>)
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition (<i>not specified above</i>) (43)
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Civil Harassment
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ–Administrative Mandamus	Petition for Relief From Late Claim
	Writ–Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor Commissioner Appeals	

EXHIBIT "B"

EXHIBIT "B"

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Target Corporation, DOES 1 through 10

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Lynn Osorio

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 31 2013

BY *Jennifer Medina*
Clerk of Court

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): San Bernardino District Civil Division
303 W. Third St.
San Bernardino, Calif. 92415-0250

CASE NUMBER:
(Número del Caso)
CIVDS1315746

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Ritchie M. Lewis, 8608 Utica Ave., Ste 212, Rancho Cucamonga, Calif. 91730 909 948-9890

DATE:
(Fecha)

DEC 31 2013

Clerk, by
(Secretario)

JENNIFER MEDINA

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): *Target Corporation*
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

EXHIBIT "C"

EXHIBIT "C"



**Service of Process
Transmittal**

01/29/2014

CT Log Number 524307238

TO: Anne Lohmer
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403-

RE: **Process Served in California**

FOR: Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Lynn Osorio, Pltf. vs. Target Corporation, et al., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Exhibit(s), Notice, Certificate, Coversheet, Instructions, Attachment(s)

COURT/AGENCY: San Bernardino County - Superior Court - San Bernardino, CA
Case # CIVDS1315746

NATURE OF ACTION: Employee Litigation - Discrimination - Wrongful termination by defendant based on gender discrimination

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 01/29/2014 at 10:15

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: Earliest Answer Date - Within 30 days after this summons are served on you
(Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Ritchie M. Lewis
Law Offices of Ritchie M. Lewis
8608 Utica Ave.
Ste 212
Rancho Cucamonga, CA 91730
909-948-9890

REMARKS: Please note the process server underlined, circled, initialed and/or highlighted the entity name served at time of service at CT.

ACTION ITEMS: CT has retained the current log, Retain Date: 01/30/2014, Expected Purge Date: 02/04/2014
Image SOP
Email Notification, Employee Litigation Target CT.Service@target.com

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

Page 1 of 1 / NC

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

EXHIBIT "D"

EXHIBIT "D"

COPY

1 GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
2 KYMBERLEIGH DAMRON-HSIAO (SB #240805)
Email: kdamronhsiao@hbwillp.com
3 TINA RAD (SB #258849)
Email: trad@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, California 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendants
8 TARGET CORPORATION
9

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 25 2014

BY 
MARTINA TRUJILLO, DEPUTY

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO
12

13 LYNN OSORIO,

14 Plaintiff,

15 vs.

16 TARGET CORPORATION, DOES 1
17 through 10, inclusive,

18 Defendants.
19

CASE NO. CIVDS1315746

**DEFENDANT TARGET
CORPORATION'S ANSWER TO
PLAINTIFF'S UNVERIFIED
COMPLAINT**

Complaint filed: December 31, 2013

1 Defendant Target Corporation (hereinafter, "Defendant"), for itself and for no other
2 defendants, answers the unverified Complaint for Damages ("Complaint") of plaintiff
3 Lynn Osorio ("Plaintiff") as follows:

4
5 **GENERAL DENIAL**

6 Pursuant to California Code of Civil Procedure Section 431.30(d), Defendant
7 denies generally and specifically each and every allegation in the Complaint. Defendant
8 further denies, generally and specifically, that Plaintiff is entitled to the relief requested, or
9 that Plaintiff has been or will be damaged in any sum, or at all, by reason of any act or
10 omission on the part of Defendant.

11
12 **AFFIRMATIVE DEFENSES**

13 **FIRST AFFIRMATIVE DEFENSE**

14 (Failure to State a Claim)

15 1. The Complaint, and each and every purported cause of action contained
16 therein, fails to state facts sufficient to constitute any claim upon which relief may be
17 granted against Defendant.

18
19 **SECOND AFFIRMATIVE DEFENSE**

20 (Failure to Mitigate)

21 2. Plaintiff has failed to mitigate her damages, if any, and therefore any
22 damages awarded to her must be reduced or eliminated to the extent to which such
23 damages could have been avoided by a reasonable effort to mitigate the same.

24 //

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1 THIRD AFFIRMATIVE DEFENSE

2 (Statute of Limitations)

3 3. The Complaint, and each and every purported cause of action contained
4 therein, is barred, in whole or in part, by all applicable statutes of limitation, including but
5 not limited to California Code of Civil Procedure Section 335.1 and California
6 Government Code Sections 12960 and 12965.

7
8 FOURTH AFFIRMATIVE DEFENSE

9 (Workers' Compensation Exclusivity)

10 4. The Complaint, and each and every purported cause of action contained
11 therein, is barred, in whole or in part, because the exclusive remedy for the damages
12 alleged by Plaintiff is provided by the California Workers' Compensation Act, California
13 Labor Code Section 3200, *et seq.* Defendant also is entitled to set-off any recovery
14 Plaintiff may receive from any Workers' Compensation action.

15
16 FIFTH AFFIRMATIVE DEFENSE

17 (After-Acquired Evidence)

18 5. Plaintiff is barred, in whole or in part, from recovery of any damages, based
19 upon the doctrine of after-acquired evidence.

20
21 SIXTH AFFIRMATIVE DEFENSE

22 (Failure to Exhaust Administrative Remedies under the FEHA)

23 6. Plaintiff's causes of action arising under the FEHA are barred because
24 Plaintiff did not timely exhaust the administrative remedies as required and/or otherwise
25 failed to comply with all the statutory prerequisites to bring suit pursuant to the FEHA.
26 Cal. Gov't Code §§ 12900 *et seq.*

SEVENTH AFFIRMATIVE DEFENSE

(Reasonableness, Legitimacy and Good Faith)

7. Plaintiff's Complaint, and each and every purported cause of action contained therein, is barred, in whole or in part, because Defendant had an honest, good faith belief that all decisions with respect to Plaintiff's employment were made by Defendant solely for legitimate, business-related reasons and were reasonably based upon the facts as Defendant understood them.

EIGHTH AFFIRMATIVE DEFENSE

(Punitive Damages)

8. Plaintiff is not entitled to recover punitive or exemplary damages against Defendant because: (a) Plaintiff has failed to plead facts sufficient to support allegations of malice or reckless indifference for the rights of Plaintiff or that Defendant was motivated by evil motive or intent; (b) neither Defendant nor any managerial agent of Defendant committed any alleged malicious or reckless act, authorized or ratified such an act, or had advance knowledge of the unfitness, if any, of any employee or employees who allegedly committed such an act, or employed any such employee or employees with a reckless indifference towards the rights or safety of others, and (c) an award of punitive or exemplary damages under the circumstances alleged would violate the due process clauses of the United States and California constitutions.

NINTH AFFIRMATIVE DEFENSE

(Course and Scope of Employment)

9. Defendant cannot be liable for any alleged injury, as any allegedly unlawful conduct was outside the course and scope of employment of the employee(s) involved.

1 TENTH AFFIRMATIVE DEFENSE

2 (No Authorization of Alleged Acts)

3 10. Defendant did not authorize, direct, or participate in any alleged
4 discriminatory or retaliatory conduct.

5
6 ELEVENTH AFFIRMATIVE DEFENSE

7 (Mixed Motive—Same Decision Made Regardless of Alleged Improper Grounds)

8 11. Defendant denies that it discriminated or retaliated against Plaintiff.
9 However, if Plaintiff proves Defendant's acts were discriminatory or retaliatory, Plaintiff
10 is not entitled to damages because Defendant would have made the same decision
11 regardless of the alleged discriminatory or retaliatory grounds.

12
13 TWELFTH AFFIRMATIVE DEFENSE

14 (Additional Affirmative Defenses)

15 12. Defendant reserves the right to assert additional affirmative defenses should
16 it become aware of such facts that warrant such defenses.

17
18 PRAYER

19 WHEREFORE, Defendant prays as follows:

20
21 1. That Plaintiff take nothing by reason of her Complaint and Judgment be
22 entered in favor of Defendant;

23
24 2. That Plaintiff's prayer for all compensatory damages, special damages,
25 punitive damages, interest, attorneys' fees and costs be denied;

26
27 3. That Defendant be awarded its costs of suit and attorneys' fees incurred
28 herein; and

1 4. For such other and further relief as the Court deems just and proper.
2
3

4 DATED: February 25, 2014

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
KYMBERLEIGH DAMRON-HSIAO
TINA RAD

7
8 By:  _____

TINA RAD

10 Attorneys for Defendant
11 TARGET CORPORATION
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PROOF OF SERVICE

STATE OF CALIFORNIA

) ss:
)

COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On **February 25, 2014**, I served the foregoing document(s) described as: **DEFENDANT TARGET CORPORATION'S ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT** on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Ritchie M. Lewis
Law Office of Ritchie M. Lewis
8608 Utica Avenue, Suite 212
Rancho Cucamonga, CA 91730
T: (909) 948-9890
F: (909) 948-9820

☒ **BY MAIL:** I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY FACSIMILE:** I caused said document(s) to be transmitted to a facsimile machine maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said facsimile number(s) are the most recent numbers appearing on documents filed and served by the addressee(s). I received electronic confirmation from the facsimile machine that said document was successfully transmitted without error. A copy of said electronic confirmation is maintained in this office.

☐ **BY OVERNIGHT DELIVERY:** I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by the overnight delivery carrier.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **February 25, 2014**, at Irvine, California.


Valerie Beechler

EXHIBIT "E"

EXHIBIT "E"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Lynn Osorio

Case No. CIVDS1315746

vs.

CERTIFICATE OF ASSIGNMENT

Target Corporation, DOES 1 through 10

A civil action or proceeding presented for filing must be accompanied by this certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the _____ District of the Superior Court under Rule 404 of this court for the checked reason:

☐ General☐ Collection

Nature of Action

Ground

- | | |
|--|--|
| <input type="checkbox"/> 1 Adoption | Petitioner resides within the district. |
| <input type="checkbox"/> 2 Conservator | Petitioner or conservatee resides within the district. |
| <input type="checkbox"/> 3 Contract | Performance in the district is expressly provided for. |
| <input type="checkbox"/> 4 Equity | The cause of action arose within the district. |
| <input type="checkbox"/> 5 Eminent Domain | The property is located within the district. |
| <input type="checkbox"/> 6 Family Law | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 7 Guardianship | Petitioner or ward resides within the district or has property within the district. |
| <input type="checkbox"/> 8 Harassment | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 9 Mandate | The defendant functions wholly within the district. |
| <input type="checkbox"/> 10 Name Change | The petitioner resides within the district. |
| <input type="checkbox"/> 11 Personal Injury | The injury occurred within the district. |
| <input type="checkbox"/> 12 Personal Property | The property is located within the district. |
| <input type="checkbox"/> 13 Probate | Decedent resided or resides within the district or had property within the district. |
| <input type="checkbox"/> 14 Prohibition | The defendant functions wholly within the district. |
| <input type="checkbox"/> 15 Review | The defendant functions wholly within the district. |
| <input type="checkbox"/> 16 Title to Real Property | The property is located within the district. |
| <input type="checkbox"/> 17 Transferred Action | The lower court is located within the district. |
| <input type="checkbox"/> 18 Unlawful Detainer | The property is located within the district. |
| <input type="checkbox"/> 19 Domestic Violence | The petitioner, defendant, plaintiff or respondent resides within the district. |
| <input checked="" type="checkbox"/> 20 Other Plaintiff fired | Place of employment was within the district. |
| <input type="checkbox"/> 21 THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT. | |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designated district is:

Target Corporation, 3105 N. Mango Ave., Rialto, Calif. 92337

(NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR)

ADDRESS

Rialto, Calif.

92337

(CITY)

(STATE)

(ZIP CODE)

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on

December 31, 2013

at

Rancho Cucamonga

, California

Signature of Attorney/Party

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO CIVIL DIVISION
303 WEST THIRD STREET
SAN BERNARDINO, CA 92415-0210

CASE NO: CIVDS1315746

RITCHIE
8608 UTICA AVE
SUITE 212
RANCHO CUCAMONGA CA 91730

NOTICE OF TRIAL SETTING CONFERENCE
and NOTICE OF CASE ASSIGNMENT

IN RE: OSORIO -V- TARGET CORPORATION

THIS CASE HAS BEEN ASSIGNED TO: DAVID COHN IN DEPARTMENT S35
FOR ALL PURPOSES.

Notice is hereby given that the above-entitled case has been set for
Trial Setting Conference at the court located at 303 West Third Street
San Bernardino, CA.

HEARING DATE: 06/27/14 at 8:30 in Dept. S35

DATE: 12/31/13 Christina M. Volkers, Clerk of the Court

By: JENNIFER MEDINA

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San
Bernardino at the above listed address. I am not a party to this
action and on the date and place shown below, I served a copy of the
above listed notice:

() Enclosed in a sealed envelope mailed to the interested party
addressed above, for collection and mailing this date, following
standard Court practices.

() Enclosed in a sealed envelope, first class postage prepaid in the
U.S. mail at the location shown above, mailed to the interested party
and addressed as shown above, or as shown on the attached listing.

() A copy of this notice was given to the filing party at the counter

() A copy of this notice was placed in the bin located at this office
and identified as the location for the above law firm's collection of
file stamped documents.

Date of Mailing: 12/31/13

I declare under penalty of perjury that the foregoing is true and
correct. Executed on 12/31/13 at San Bernardino, CA

BY: JENNIFER MEDINA

EXHIBIT “F”

EXHIBIT “F”

1 GLENN L. BRIGGS (SB #174497)
Email: gbriggs@hbwillp.com
2 KYMBERLEIGH DAMRON-HSIAO (SB #240805)
Email: kdamronhsiao@hbwillp.com
3 TINA RAD (SB #258849)
Email: trad@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, California 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
8 TARGET CORPORATION
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO
12

13 LYNN OSORIO,

14 Plaintiff,

15 vs.

16 TARGET CORPORATION, DOES 1
17 through 10, inclusive,

18 Defendants.
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CASE NO. CIVDS1315746

**NOTICE TO ADVERSE PARTY OF
REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT
UNDER 28 U.S.C. §§ 1332 AND 1441
(DIVERSITY)**

Complaint filed: December 31, 2013

1 TO PLAINTIFF AND HER ATTORNEYS OF RECORD:
2

3 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in
4 the United States District Court for the Central District of California on February 26,
5 2014. A copy of said Notice of Removal and supporting exhibits are attached to this
6 Notice, and are served and filed herewith.
7

8
9 DATED: February 26, 2014

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
KYMBERLEIGH DAMRON-HSIAO
TINA RAD

10
11
12
13 By: 
14

GLENN L. BRIGGS

15 Attorneys for Defendant
16 TARGET CORPORATION
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EXHIBIT "G"

EXHIBIT "G"

1 GLENN L. BRIGGS (SB #174497)
Email: gbriggs@hbwillp.com
2 KYMBERLEIGH DAMRON-HSIAO (SB #240805)
Email: kdamronhsiao@hbwillp.com
3 TINA RAD (SB #258849)
Email: trad@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, California 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
TARGET CORPORATION
8
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO
12

13 LYNN OSORIO,

14 Plaintiff,

15 vs.

16 TARGET CORPORATION, DOES 1
through 10, inclusive,

17 Defendants.
18
19

CASE NO. CIVDS1315746

**NOTICE TO STATE COURT OF
REMOVAL OF CIVIL ACTION TO
THE UNITED STATES DISTRICT
COURT UNDER 28 U.S.C. §§ 1332 AND
1441 (DIVERSITY)**

Complaint filed: December 31, 2013
20
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1 TO THE CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF SAN
2 BERNARDINO:

3
4 Attached hereto as Exhibit "1" is a true and correct copy of the Notice to Adverse
5 Party of Removal of this action to the United States District Court for the Central District
6 of California. The original Notice of Removal of Civil Action to the United States
7 District Court was filed with the United States District Court for the Central District of
8 California with the attached exhibits on February 26, 2014.

9
10 The filing of said Notice of Removal effects the removal of the above-entitled
11 action from this Court.

12
13
14
15 DATED: February 26, 2014

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
KYMBERLEIGH DAMRON-HSIAO
TINA RAD

16
17
18
19 By:  _____

GLENN L. BRIGGS

20
21 Attorneys for Defendant
22 TARGET CORPORATION
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Jesus G. Bernal and the assigned Magistrate Judge is Stephen J. Hillman.

The case number on all documents filed with the Court should read as follows:

EDCV14-³⁴⁴~~366~~-JGB(SHx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 26, 2014

Date

By C. Sawyer
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☒ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Lynn Osorio

DEFENDANTS (Check box if you are representing yourself ☐)

Target Corporation

(b) County of Residence of First Listed Plaintiff Riverside

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Ritchie M. Lewis (SB #231100)
Law Office of Ritchie M. Lewis
8608 Utica Ave., Suite 212
Rancho Cucamonga, CA 91730
Telephone: (909) 948-9890

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Glenn L. Briggs (SB #174497); Kymberleigh Damron-Hsiao (SB #240508); Tina Rad (SB #258849)
Hodel Briggs Winter LLP
8105 Irvine Center Drive, Suite 1400, Irvine, California 92618
Telephone: (949) 450-8040

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☐ 3. Federal Question (U.S. Government Not a Party)
☒ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding
☒ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify) _____
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
28 U.S.C. Sections 1332 and 1441. This is an employment discrimination case originally filed in state court.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 448 Education Security Act	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education Security Act	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Sec. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input checked="" type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	EASTERN



IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):

Alan L. Briggs

DATE: February 26, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

